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December 4, 2006

U.S. DISTRICT COURT  
DISTRICT OF MASS.

John T. Montgomery  
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**BY HAND**

The Honorable Patti B. Saris  
United States District Judge  
United States District Court for the  
District of Massachusetts  
One Courthouse Way  
Boston, MA 02210

Re: In re Pharmaceutical Industry Average Wholesale Price Litigation, MDL No. 1456

Dear Judge Saris:

The Track 1 Defendants wish to respond to Mr. Sobol's letter of December 1st regarding Dr. Hartman. Given Dr. Hartman's personal situation, it was appropriate for the Court to postpone the completion of his cross-examination. If Dr. Hartman cannot return to Boston in the next week, however, Plaintiffs have not given any reason that the examination cannot continue by video conference. Indeed, Plaintiffs have arranged for Dr. Hartman to be deposed in the Neurontin litigation in Chicago on December 13th. At the conclusion of the trial day on November 28th, the Court approved the video-conference alternative and directed Plaintiffs to determine a convenient date on which to proceed. Their failure to do so has interfered with Defendants' scheduling of witnesses.

Defendants respectfully request the Court to direct Plaintiffs to confer with Defendants to set a date, no later than December 11th, when the testimony of Dr. Hartman will resume by video conference.

Sincerely,

John T. Montgomery

cc: All Counsel of Record (via Lexis File & Serve)